

REMARKS:

Claims 1, 7-17, 20-34, 36-40, and 42-77 were presented for examination and were pending in this application. In an Official Action dated July 27, 2004, claims 1, 7-17, 20-34, 36-40, and 42-77 were rejected. Applicant amends claims 1, 25, 31, 39, 45, 61, 67, and 72 herein and adds claims 78 and 79. Applicant thanks Examiner for examination of the claims pending in this application and addresses Examiner's comments below. In addition, Applicant thanks Examiner for taking the time to discuss this application with Applicant's representatives during the Examiner Interview conducted February 2, 2005. A summary of the substance of the interview is incorporated in these Remarks.

Based on the above Amendments and the following Remarks, Applicant respectfully requests that Examiner reconsider all outstanding rejections, and withdraw them.

Response to Rejections Under 35 USC 103(a)

Claims 1, 7-17, 20-34, 36-40, and 42-77 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,078,892 to Anderson et al. ("Anderson") in view of Boudrow, Chamber Referral Program Not for All Real Estate Agents ("Boudrow"), and further in view of Eng, Information Interview Put a Job Search on the Fast Track, ("Eng"). Applicant respectfully traverses this rejection.

The independent claims, as amended, now recite an introductory "first confirmation message" that is automatically sent independently from the sales agent, and prior to the sales agent contacting the lead.

The automatic sending of the independent first confirmation message provides a significant improvement over the state of the art as set forth in the cited references. As

discussed with the Examiner during the interview, this “introductory” message beneficially serves the purpose of introducing the lead to the sales agent prior to the lead being contacted by the sales agent in any form, including via phone, electronic mail, in person, via letters, or the like. In addition, by being sent automatically by the database system and independently from the sales agent, i.e., the sales agent does not directly cause the introductory message to be sent, the introductory message provides a sense of credibility for the sales agent, so that, by the time the sales agent contacts the lead, the lead is already expecting the contact. For example, the party operating the database system (a party independent from the sales agent) may be trusted by the lead (e.g., the lead may have requested sales information for a product or service from the database operator). For the trust relationship to exist, the independent nature of the system has to be maintained, thus the independent system does not operate under the control or direction of the sales agent. By sending the introductory message prior to any contact from the sales agent, the lead receives advanced notice that a particular sales agent will be contacting the lead with respect to the trusted party’s product or service. This serves to increase the chance of a successful contact eliminating the need for cold-calling by sales agents.

In contrast, the combination of Anderson with Boudrow and Eng simply discloses a lead database that provides searching and pre-scoring of leads for sales agents (see Anderson, Abstract) with the notion of “giving agencies a 30-day exclusive leads for a \$100 payment per quarter,” (Boudrow, p.1, ¶ 6) and the notion of “consider[ing] first sending a letter or e-mail and informing [their] contact that [the interviewee himself or herself] will be calling to ask to set up and interview” for potential interviewees who must cold-call the interviewer (Eng, p.2, ¶ 23). The combination of Anderson, Boudrow, and Eng fails to teach or suggest

“automatically” sending “independently from the sales agent” a message to the lead “prior to the sales agent contacting the lead” as recited in the claims. As Examiner stated, Anderson does not teach this step. Similarly, Eng does not teach this step. The Eng reference teaches the idea of “a person sending an introductory e-mail to inform a contact that the person will be calling to set up an interview with the contact in the future (¶ 23).” Accordingly, Eng teaches that the same person may contact (through mail or e-mail) another person prior to contacting by phone. Thus, the confirmation message in Eng is not sent independently from the sales agent, nor is it prior to the sales agent contacting the lead, it is a form of contact with the lead by the sales agent. Thus, Eng fails to provide the introductory “first confirmation message” recited in the claims.

Accordingly, Applicant respectfully submits that for at least these reasons claims 1, 25, 39, 45, 61, 67, and 72 and their dependent claims and their dependent claims 7-17, 20-24, 26-34, 36-38, 40, and 42-44, 46-60, 62-66, 68-71 and 73-77 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicant respectfully requests that Examiner reconsider the rejections, and withdraw them.

Conclusion

Applicant has added new claims 78 and 79 for which Applicant requests consideration and examination. Applicant respectfully submits that these are supported by the specification and are commensurate within the scope of protection to which Applicant believes to be entitled.

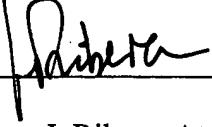
In sum, Applicant respectfully submits that claims 1, 7-17, 20-34, 36-40, and 42-77, as presented herein, are patentably distinguishable over the cited references, alone or in

combination. Therefore, Applicant requests reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicant respectfully invites Examiner to contact Applicant's representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
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Date: March 24, 2005

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